



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending September 26, 1998

Digicon Corporation v. DOC—GSBCA 14257-COM

As a result of the Board's order denying cross-motions for summary judgment, the parties have agreed to a discovery schedule providing for the completion of written and oral discovery on or before December 1, 1998, with a two day hearing to be scheduled in 1999. (Ken Lechter)

Protest of Techno-Sciences, Inc.—B-277260.2 & B-277260.4

On advice of General Counsel, we have determined that we will follow GAO's recommendation to pay fees and costs in this protest. We are currently reviewing TSI's submissions of these items for appropriateness. We are still expecting to meet further with GAO to discuss its handling of this protest. (Mark Langstein & Amy Freeman)

Technical Systems Associates, Inc. v. Dept. of Commerce, GSBCA Nos. 13277-COM and 14538-COM

We are currently preparing a motion for an order *in limine* in an attempt to reduce trial time and encumbering the record. We intend to file the Motion by the end of next week. (Terry H. Lee)

Aspen Helicopters v. Dept. of Commerce, GSBCA No. 13258-COM

We have completed the depositions in Kansas City (CASC). Appellant wishes to depose a former AOC official and an NMFS official, both of which should occur sometime before the end of September. (Terry H. Lee)

Harris Corp. v. U.S. (U.S. Court of Federal Claims)

We submitted a letter to the Department of Justice requesting that DOJ represent Ralph Dagnall, a retired NDBC employee, in the litigation. Depositions in the above-referenced case are being held in New Orleans next week. We have also provided additional protected documents to counsel for Harris Corp. and the FAA. (Fred Kopatich & Amy Freeman)

Reform of Affirmative Action in Federal Procurement

FAC 97-08 Reform of Affirmative Action in Federal Procurement, published in the Federal Register at

63 FR 35719, June 30, 1998, established in the FAR a price evaluation adjustment (PEA) of up to 10 percent for small disadvantaged businesses (SDB) for acquisitions in the Standard Industrial Classification (SIC) Major Groups designated by the Department of Commerce. This rule amends those regulations to accommodate the use of the PEA in those Major Groups where eligibility has been determined by region.

FAR Part 25 Rewrite, September 28, 1998, 63 FR 51641

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing to amend the Federal Acquisition Regulation (FAR) to rewrite guidance and clauses on foreign acquisition. Comments should be submitted on or before November 27, 1998 to be considered in the formulation of a final rule.

CLDP Program

Terry Lee is scheduled to leave for Cairo at the end of the second week of November to participate in the Commercial Law Development Program in Egypt.

CLD "Time to Complete"—1.7 Days

